

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

EDGEWOOD HIGH SCHOOL
OF THE SACRED HEART, INC.,
Plaintiff,

v.

CITY OF MADISON, WISCONSIN;
CITY OF MADISON ZONING BOARD
OF APPEALS; CITY OF MADISON
PLAN COMMISSION; CITY OF
MADISON COMMON COUNCIL; Zoning
Administrator MATTHEW TUCKER, in
his official capacity; Director of Madison's
Building Inspection Division GEORGE
HANK, in his official capacity; Alder TAG
EVERS, in his official capacity,
Defendants.

Case No. 3:21-CV-118

DEFENDANTS' MOTION TO DISMISS AND MOTION TO STRIKE

All Defendants, through counsel, move this Court for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing Plaintiff's federal claims (Counts I–IV) except, with respect to Count II, Plaintiff's narrow claim that the Defendants the City of Madison and the Common Council violated the substantial burden provision of the Religious Land Use and Institutionalized Persons Act by denying Edgewood a conditional use permit. Defendants also seek dismissal of the Individual Defendants from the lawsuit. And Defendants move pursuant to Rule 12(f) to strike all immaterial allegations and to require Edgewood to submit an amended pleading

that conforms to the plain statement rule. The grounds for these motions are set forth in the brief filed along with this motion.

DATE: April 19, 2021

Respectfully submitted,

/s/ Barry J. Blonien

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